

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ANDERSON/GREENWOOD DIVISION

Tabetha Robinson,	)	Case No. 8:19-cv-01324-DCC-JDA
	)	
Plaintiff,	)	
	)	
v.	)	<b>ORDER</b>
	)	
Anmed Encompass Health	)	
Rehabilitation Hospital LLC,	)	
	)	
Defendant.	)	
_____	)	

This matter is before the Court on Plaintiff's Complaint alleging discrimination and retaliation claims pursuant to Title VII of the Civil Rights Act of 1964, as amended, and 42 U.S.C. § 1981, as well as state law claims. ECF No. 1. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), (D.S.C.), this matter was referred to United States Magistrate Judge Jacquelyn D. Austin for pre-trial proceedings and a Report and Recommendation ("Report"). On July 17, 2019, Defendant filed a Motion to Dismiss. ECF No. 19. Plaintiff filed a Response in Opposition, and Defendant filed a Reply. ECF Nos. 22, 24.

On October 17, 2019, the Magistrate Judge issued a Report recommending that the Motion to Dismiss be granted as to Plaintiff's causes of action for breach of contract, loss of enjoyment of life and future medicals, and punitive damages and denied as to all other claims. ECF No. 25. The Magistrate Judge advised the parties of the procedures

and requirements for filing objections to the Report and the serious consequences if they failed to do so. Neither party has filed objections, and the time to do so has passed.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. See *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (citation omitted)).

After considering the record in this case, the applicable law, and the Report of the Magistrate Judge, the Court finds no clear error and agrees with the Report’s recommendation. Accordingly, the Court adopts the recommendation of the Magistrate Judge. Defendant’s Motion to Dismiss [19] is **GRANTED** as to Plaintiff’s claims for breach of contract, loss of enjoyment of life and future medicals, and punitive damages and is otherwise **DENIED**.

IT IS SO ORDERED.

s/ Donald C. Coggins, Jr.  
United States District Judge

January 27, 2020  
Spartanburg, South Carolina